THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.20362 OF 2004

Dt.17.11.2005

Between:

Bonath Swamy

… Petitioner

And

The Revenue Divisional Officer,

Warangal and another. …. Respondents

ORDER:

Heard learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner is the Fair Price Shop dealer of Obulapur Village, Zafergadh Mandal, Warangal District. Basing on the report submitted by the Mandal Revenue Officer, Zaffergadh Mandal, on 15.6.2004, a show cause notice dated 24.6.2004 has been issued to the petitioner as to why his authorization should not be cancelled within seven days. The petitioner submitted his explanation on 19.7.2004. The allegations alleged against the petitioner in the said show cause notice are that he was not available in the village on 8.6.2004 during the inspection of the Mandal Revenue Officer and he has not distributed 26.00 quintals of ISL rice to the coupon holders for the months of March and April, 2004 and he has failed to distribute the mid-day meal rice to the agencies/Head Masters concerned for the months of March and April, 2004. Thereafter, it appears that another report has been submitted by the Mandal Revenue Officer vide his report dated 28.8.2004 and basing on the said report that the petitioner has not lifted P.D.S rice for the month of August, 2004, the authorization of the petitioner has been suspended as a measure of punishment.

The suspension of the licence cannot be for an indefinite period. No doubt, there is power to suspend pending enquiry. But this is not the case where licence has been suspended pending enquiry. But the Revenue Divisional Officer, Warangal, suspended the authorization of the Fair Price Shop of the petitioner, as a measure of

punishment permanently, but there cannot be any permanent suspension.

Having regard to the facts and circumstances of the case, the impugned order is set aside. However, it is open for the respondents to issue show cause notice for any further irregularities and pass appropriate final orders whether to cancel or drop the proceedings after giving reasonable opportunity to the petitioner.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

17.11.2005

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